

# **MICHIGAN DOMESTIC VIOLENCE PREVENTION AND TREATMENT BOARD**

## **MEETING MINUTES September 27, 2005**

**\*\*\* APPROVED – December 5, 2005 \*\*\***

### **Members Present:**

Gwen Brown  
Shirley Mann Gray  
Mary Beth Kur  
Honorable Edward Sosnick

### **Staff Present:**

Michelle Bynum  
Debi Cain, Executive Director  
Sarah Heuser

Josie Jubb  
Mary Lovik  
Karen Porter

### **Guests:**

Cris Krajewski, Women's Resource Center, Petoskey  
Jan Mancinelli, Women's Resource Center, Petoskey  
R.J. Neeland, Northern Michigan Hospital

### **Welcome and Introductions**

E. Sosnick convened the September 27, 2005 Michigan Domestic Violence Prevention and Treatment Board (MDVPTB) meeting at the Bay Harbor Resort and Marina, Bay Harbor, MI, at 1:10 p.m. E. Sosnick offered the apology of Board Chair Amy Krause who was unable to get away from her Court to attend. Introductions were made and a welcome extended to guests.

### **BOARD CONSENT**

Review and approval of agenda.

**MOTION: Moved by M. Beth Kur to approve the agenda items. Seconded by S. Mann Gray. Motion carried.**

Approval of May 20, 2005 Board meeting minutes.

**MOTION: Moved by S. Mann Gray to approve the May 20, 2005 meeting minutes. Seconded by M. Beth Kur. Motion carried.**

### **CHAIR'S REPORT**

D. Cain gave report on behalf of Chair A. Krause. D. Cain reported on the “Building Bridges” concept where we invite various associations and groups to talk about what could be done to work more collaboratively together. The recommendation of the Governance Committee was to move this discussion to a later Board meeting in Lansing and to extend the Board meeting time at that meeting.

**The Governance Process and Policy Review:  
Governing Style; Board Job Description; and Annual Board Planning Cycle**

The Board reviewed the policies. No concerns or changes needed. No motion required.

**Executive Limitations:  
General Executive Constraint; Budgeting; and State Policy Leadership**

The Board reviewed and approved D. Cain’s Executive Limitations reports.

**MOTION: Moved by S. Mann Gray to accept General Executive Constraint; Budgeting; and State Policy Leadership. Seconded by G. Brown. Motion carried.**

4th quarter draft revisions for the Executive Limitations General Executive Constraint, Budgeting, and State Policy Leadership to reflect positive language were reviewed.

**MOTION: Moved by M. Beth Kur to accept draft language to Executive Limitation Reports: General Executive Constraint, Budgeting, and State Policy Leadership. Seconded by S. Mann Gray. Motion carried.**

**EXECUTIVE DIRECTOR’S REPORT – GENERAL OVERVIEW OF WORK TO DATE**

**Budget/Legislative Report:**

D. Cain reported on several changes to the budget for fiscal year 2006. We recommend increasing the dollars to support TSH by about \$100,000 dollars beginning with the coming contract year. Michigan Department of Community Health receives Centers for Disease Control funding to address sexual assault and passes some of these funds to MDVPTB. Approximately \$260,000 of the MDCH funds will expire, so we recommend some one time rape grants.

For 2007, the one time rape dollars from fiscal year 2006 will discontinue.

**MOTION: Moved by S. Mann Gray to accept the fiscal year 2006 Budget. Seconded by M. Beth Kur. Motion carried.**

**MOTION: Moved by M. Beth Kur to accept the fiscal year 2007 Budget. Seconded by G. Brown. Motion carried.**

**Legislative Report:**

D. Cain gave an overview of legislation to be reviewed and discussed.

M. Lovik presented a summary of **HB 4738** (redefine criminal child abuse in 2<sup>nd</sup> - 4<sup>th</sup> degrees). This bill is intended to fill several gaps that prosecutors have identified in MCL 750.136b. Some of the bill's provisions address issues arising in recent notorious cases involving egregious parental misfeasance, such as leaving a child in a hot car. In these cases, prosecutors seeking a conviction under the statute had difficulty proving that the harm to the child was intended, even though it was a foreseeable consequence of the parent's conduct. To address this situation, some amendments in HB 4738 criminalize the offender's act based on the "likelihood" of harm rather than on the offender's intent.

**MOTION: Moved by M. Beth Kur that the board favors adding a "reasonable parent" standard as an element of the offense that the prosecutor must prove, rather than as an affirmative defense that the accused must raise. Seconded by S. Mann Gray. Motion carried.**

M. Lovik presented a summary of **HB 4038** (require presence of witness during interview of child in case under child protection law). This bill amends the provisions of the Child Protection Law governing interviews with children reported to have been abused or neglected, specifically MCL 722.628 (governing interviews in school settings) and MCL 722.628c (governing all other interviews). In both statutes, the bill would require that child interviews be conducted in the presence of a designated school staff person or other individual with whom the child is familiar.

**MOTION: Moved by S. Mann Gray to oppose HB 4038. Seconded by M. Beth Kur. Motion carried.**

M. Lovik presented a summary of **HB 4420** (level of injury to child necessitating call to law enforcement under MCL 722.628, Child Protection Law) DHS personnel investigating allegations of child abuse or neglect must seek the assistance of and cooperate with law enforcement officials within 24 hours of becoming aware of certain listed conditions, including "abuse or neglect resulting in severe physical injury to the child [that] requires medical treatment or hospitalization." Current law defines "severe physical injury" as follows:

"brain damage, skull or bone fracture, subdural hemorrhage or hematoma, dislocation, sprains, internal injuries, poisoning, burns, scalds, severe cuts, or any other physical injury that seriously impairs the health or physical well-being of a child."

HB 4420 would amend the definition of "severe physical injury" as follows:

"brain damage, skull or bone fracture, subdural hemorrhage or hematoma, dislocation, sprains, internal injuries, poisoning, burns, scalds, severe cuts, or any other **SEVERE** physical injury that ~~seriously impairs the health or physical well-being~~ **THREATENS THE LIFE** of a child."

If the child is sexually abused or severely physically injured as described in MCL 722.628 above, current law (MCL 722.637) requires DHS personnel to submit a petition for authorization by the court under section 2(b) of MCL 712A.2, within 24 hours of discovering the injury. Note that MCL 722.638 provides for mandatory filing of a petition in other circumstances, but without the time limitation provided in MCL 722.637.

**MOTION: Moved by M. Beth Kur that the Board favors the concept of clarifying the language in this bill that defines "severe physical injury" under the child protection law, MCL 722.628. The Board deferred to DHS's determination as to the most appropriate wording for clarifying this statute. Seconded by G. Brown. Motion carried.**

M. Lovik presented a summary of **HB 5142, 5143, and 5153** (redefining self-defense). HB 5142 would add section 21c to the Code of Criminal Procedure to provide in full: "It is a defense to a prosecution for any crime involving the use or attempted use of deadly force that the person acted in lawful self-defense or lawful defense of another person. The duty to retreat before using deadly force does not apply to any

premises in which the person is dwelling or to the curtilage of those premises.” HB5143 and HB5153 create presumptions in cases involving self-defense; these bills are identical.

**MOTION: Moved by S. Mann Gray to oppose HB 5142, 5143 and 5153. Seconded by M. Beth Kur. Motion carried.**

M. Lovik presented a summary of the H-3 substitute for **HB 4796** (eliminate right to preliminary examination in all but listed cases).

**MOTION: Moved by M. Beth Kur as follows:**

- **The current law provisions governing preliminary examinations should not be amended.**
- **If the current law provisions governing preliminary examinations are to be amended, the Board recommends:**
  - a. **providing for mandatory pre-examination conferences for all felonies, at which either the prosecution or the defense may petition the court for a preliminary hearing AND**
  - b. **amending the list of crimes for which a preliminary examination is required to add felonies likely to be committed in the context of a pattern of domestic violence.**

**Seconded by G. Brown. Motion carried.**

The Board determined that it would not offer comments on the Michigan Supreme Court proposed Administrative Order (ADM file no. 2005-02) regarding privacy of social security numbers.

The Board tabled discussion of Judge Hoort's letter regarding sentencing options for repeat sex offenders until the December meeting.

Staff is actively monitoring the sex offender legislation, along with other legislative items and will keep the Board updated.

## **PUBLIC COMMENT**

Chris Krajewski from the Women's Resource Center in Petoskey thanked the Board for being in northern Michigan and touring their program. She is very appreciative of the support the Board has shown and for the Board staying on top of all the legislation items that affect domestic and sexual violence victims, service providers, and numerous others.

R. J. Neeland from the Northern Michigan Hospital commented that he is glad to see the Board is taking so many variables into consideration before taking a position on legislative items.

## **PROCESS EVALUATION**

E. Sosnick commented that having staff M. Lovik and C. Hackett Garagiola work on legislative issues is really important and valuable to the Board.

## **ADJOURNMENT**

The meeting ended at 2:20 p.m.

**MOTION: Moved by M. Beth Kur to adjourn the meeting. Seconded by S. Mann Gray. Motion carried.**

Respectfully submitted,  
Josie Jubb